

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARTIN KRATZ, EXECUTOR For the
Estate of **GLADYS KRATZ, Deceased,** and
MARTIN KRATZ, individually,

Plaintiff,

V.

CIVIL ACTION NO. _____

LINWOOD CARE CENTER, REVERA HEALTH SYSTEMS, ABC, INC. (1-10); JOHN DOE, (1-10) and JANE DOE, R.N. (1-10) said names, ABC, Inc., John Doe and Jane Doe, being fictitious, jointly, individually, and in the alternative

Defendants.

NOTICE OF REMOVAL

To: Clerk's Office
United States District Court
District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101

PLEASE TAKE NOTICE THAT CPL (LINWOOD) LLC d/b/a Linwood Care Center (improperly pled as Linwood Care Center) and Revera Health Systems Inc. (improperly pled as Revera Health Systems) (hereinafter “Defendants”) are hereby removing the above-styled action, filed on or about March 12, 2015, in the Superior Court of New Jersey, Law Division, Atlantic County, bearing Docket No. L-615-15, to this Court pursuant to 28 U.S.C. § 1332(a). In support of this Notice, Defendants state the following:

1. On or about March 12, 2015, plaintiff Martin Kratz (“Plaintiff”) filed a Complaint in the Superior Court of New Jersey, Law Division, Atlantic County, naming CPL (LINWOOD) LLC d/b/a Linwood Care Center (improperly pled as Linwood Care Center) and Revera Health

Systems, Inc. (improperly pled as Revera Health Systems) as defendants. Pursuant to 28 U.S.C. § 1446, true and correct copies of the Complaint, Summons, Civil Case Information Statement, and Track Assignment Notice are appended hereto as Exhibit A. To Defendants' knowledge, the attached Complaint, Summons, Civil Case Information Statement, and Track Assignment Notice constitute the entire record in the file of the Superior Court of New Jersey in this matter.

2. Defendants first received a copy of the Complaint, Summons, Civil Case Information Statement, and Track Assignment Notice by hand delivery on March 25, 2015.

3. This Notice is timely under 28 U.S.C. § 1446(b) because the Notice of Removal to this Court was filed within thirty (30) days after receipt by Defendants of the Complaint, the first document from which it could be ascertained that the case was removable.

4. Plaintiff's alleged damages are based on the pain and suffering, as well as the wrongful death, of Gladys Kratz. Plaintiff also seeks attorney's fees. As such, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Plaintiff is an individual and resides at 244 Leedom Way, Newtown, Pennsylvania. (Compl. p. 1). Accordingly, Plaintiff is a citizen of Pennsylvania.

6. Defendant CPL (LINWOOD) LLC d/b/a Linwood Care Center is a limited liability company. The sole member of CPL (LINWOOD) LLC is New Jersey CPL Holdings LLC, and the sole member of New Jersey CPL Holdings LLC is New Jersey Subacute LLC. The members of New Jersey Subacute LLC are Revera Assisted Living Inc. and Revera Holdings Inc. Revera Assisted Living Inc. is an Oregon Corporation with a principle place of business at 55 Standish Ct, 8th Floor, Mississauga, Ontario, Canada. Revera Holdings Inc. is Delaware

corporation with a principal place of business at 538 Preston Avenue, Suite 270, Meriden, Connecticut. Accordingly, CPL (LINWOOD) LLC is a citizen of Delaware and Connecticut.

7. Defendant Revera Health Systems Inc. is a Delaware corporation with a principal place of business at 538 Preston Avenue, Suite 270, Meriden, Connecticut.

8. The parties are, therefore, completely diverse. Specifically, Plaintiff is a citizen of Pennsylvania, while Defendants are citizens of Delaware and Connecticut.

9. This action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, as all parties to the action are of diverse citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

10. 28 U.S.C. § 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” Thus, pursuant to 28 U.S.C. §1441, this entire case is one that may be removed to this Court.

11. Because this is an action over which federal district courts have original jurisdiction, and because Atlantic County is embraced by the United States District Court for the District of New Jersey (Camden Vicinage), the action is properly removed to the United States District Court for New Jersey (Camden Vicinage) under 28 U.S.C. § 1441(a) and (b).

12. Defendants preserve herein any and all other bases for removal of this action to this Court.

13. Copies of this Notice of Removal shall forthwith be served upon Plaintiff and the Clerk of the Superior Court of New Jersey, Law Division – Atlantic County, from which this matter is removed.

14. WHEREFORE, Defendants CPL (LINWOOD) LLC d/b/a Linwood Care Center (improperly pled as Linwood Care Center) and Revera Health Systems Inc. (improperly pled as Revera Health Systems) hereby remove this action from the Superior Court of New Jersey – Atlantic County to the United States District Court for the District of New Jersey (Camden Vicinage).

WHEREFORE, Defendants pray that this action proceed in this Court as an action properly removed hereto.

/S/ Matthew T. Corso

Matthew T. Corso
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Philadelphia, PA 19102-2555

Attorneys for Defendants CPL (LINWOOD) LLC d/b/a Linwood Care Center (improperly pled as Linwood Care Center) and Revera Health Systems Inc. (improperly pled as Revera Health Systems)

Dated: April 23, 2015

CERTIFICATE OF SERVICE

On this date, I caused copies of the foregoing Notice of Removal, to be served by
overnight delivery upon:

Sherri L. Warfel
100 Nassau Park Boulevard, Suite 111
Princeton, NJ 08543-5301
Attorney for Plaintiff

and

Clerk, Superior Court of New Jersey
Law Division – Atlantic County
1201 Bacharach Boulevard
Atlantic City, NJ 08401

/S/ Matthew T. Corso

Matthew T. Corso

Dated: April 23, 2015